

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARYL ROGERS,

Plaintiff,

Case No. C22-5064-JCC-SKV

V.

CLARK COUNTY CORRECTIONS, *et al.*,

Defendants.

**ORDER GRANTING PLAINTIFF'S
THIRD MOTION FOR EXTENSION OF
TIME**

This is a civil rights action proceeding under 42 U.S.C. § 1983. This matter comes before court at the present time on Plaintiff's third motion for an extension of time to file a response to Defendants' pending motion to dismiss. Dkt. 16. Plaintiff has requested two prior extensions to file his response to Defendants' motion to dismiss, asserting on both occasions that COVID-19 protocols and/or outbreaks at his facility had limited his access to the law library and precluded him from adequately responding to the motion. See Dkts. 12, 14. Defendants did not oppose either of the prior motions, and the Court deemed the requests appropriate under the cited circumstances and granted the motions. See Dkts. 13, 15. However, the Court, in granting

**ORDER GRANTING PLAINTIFF'S
THIRD MOTION FOR EXTENSION
OF TIME - 1**

1 Plaintiff's second motion for extension of time, advised him that it would be reluctant to grant
2 further extensions. Dkt. 15 at 2.

3 Plaintiff has now filed what he identifies as his "final" motion for extension of time. Dkt.
4 16. Plaintiff requests therein that he be granted an additional forty-five days to file his response,
5 and once again identifies as the basis for his request a lack of access to the facility law library.
6 *See id.* As with Plaintiff's prior requests for extension, Defendants have filed no opposition to
7 Plaintiff's current request. While the Court is willing to grant Plaintiff a "final" extension,
8 Plaintiff is advised no further extensions will be granted. If Plaintiff fails to file his response by
9 the date set forth below, the Court will proceed directly to disposition of Defendants' motion.

10 Based on the foregoing, the Court hereby ORDERS as follows:

11 (1) Plaintiff's unopposed third motion for an extension of time (Dkt. 16) is
12 GRANTED. Plaintiff is directed to file his response to Defendants' motion to dismiss not later
13 than ***Monday, September 26, 2022.***¹

14 (2) Defendants' motion to dismiss (Dkt. 9) is RE-NOTED on the Court's calendar
15 for consideration on ***Friday, September 30, 2022.*** Defendants must file any reply brief by that
16 date.

17 //

18 //

19 //

20

21 ¹ Plaintiff requested an extension of time only until September 22, 2022. *See* Dkt. 16. However, the date
22 requested by Plaintiff is a Thursday and responses to motions are typically due on Mondays so that the moving party
has adequate time to file a reply brief in support of their motion by the Friday noting date. *See* LCR 7(d)(3). The
Court has therefore granted Plaintiff an extension until the Monday following the date requested in his motion
papers.

23 ORDER GRANTING PLAINTIFF'S
THIRD MOTION FOR EXTENSION
OF TIME - 2

1 (3) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for
2 Defendants, and to the Honorable John C. Coughenour.

3 Dated this 30th day of August, 2022.

4 
5 S. Kate Vaughan

6 S. KATE VAUGHAN
7 United States Magistrate Judge

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23 ORDER GRANTING PLAINTIFF'S
THIRD MOTION FOR EXTENSION
OF TIME - 3